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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,406	01/30/2002	Yuji Kawashima	04329.2728	4736
7590 01/25/2005				
Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. 1300 I Street, N.W. Washington, DC 20005-3315		<div>EXAMINER</div> <div>HANEY, MATTHEW J</div>		
		<div>ART UNIT</div> <div>2613</div> <div>PAPER NUMBER</div>		

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/058,406	KAWASHIMA, YUJI	
	Examiner	Art Unit	
	Matthew Haney	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-9 and 12 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 10 and 11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "storage section" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Allowable Subject Matter

1. Claims 4, 5, 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 6-9, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chujoh (US 6,002,802).

As for claims 1 and 7, Chujoh teaches of skip number control section which

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controls a skip number between frames to be encoded (Column 7, Lines 13-18, 44-50); quantization scale control section which controls a quantization scale indicative of a degree of quantization (Column 7, Lines 63-67); an encoding section which performs encoding of a moving picture by selectively using one of an inter-coding type process and an intra-coding type process on the basis of the quantization scale determined by the quantization scale control section and skip number determined by skip number control section (Note: Figure 1 shows the switch (104) being controlled by the encoding controller, the encoding controller decides how many frames to be skipped (101) and whether they should be intra or inter coded depending on the "activity" (See Column 10), Column 9, Lines 15-67); a code amount detection section which finds code amount of a frame section which encoded by the encoding section (Column 9, Lines 20-22).

Chujoh fails to teach of a storage section which stores the quantization scale with which the encoding section performs encoding by the inter-coding type process, the code amount found by the code amount detection section at this time, the quantization scale with which encoding section performs encoding by the intra-coding type process, and the code amount found by the code amount detection section at this time, however, it is considered obvious to one of ordinary skill in the art at the time of the invention that storage must be required in order to allow the aforementioned data to be compared and analyzed other processes. Chujoh also fails to specifically teach that Q scale and code amount meet specific conditions, Column 7, Lines 12-17 show that changing Q and frame rate (i.e. the amount of code) can result in new frames being added. Further, Col. 18 teaches that depending on time or long periods without a reference frame the mode

is set to Intra. Therefore, it would have been obvious to one of ordinary skill in the art to monitor Q scale as a quick way of determining whether overflow may exist.

As for claims 2 and 8, Chujoh does not specifically teach of the inter-coding type process is at least one of a unidirectional predictive encoding process and a bi-directional predictive encoding process, however, it is considered inherent in the MPEG-2 standard that inter-coding is done with unidirectional predictive and bi-directional predictive frames (As cited in Column 2, Lines 48-65). (Official Notice)

As for claims 3 and 9, most of the limitations of the claim are contained in the above rejection of claim 1. Actual code is representative of $(Q * \text{code})$ which is then processed by the VLC (determines the number of bits to use) which directly effects the skip number of frames (Column 7, Lines 44-58).

As for claims 6 and 12, most of the limitations of the claim are contained in the above rejection of claim 1. Chujoh teaches of an averaging section which finds a mean value the quantization scale determined by the quantization scale control section, wherein the storage section stores mean value obtained by the averaging section as the quantization scale (Note: pre_QP, Column 11, Lines 14-20).

Conclusion

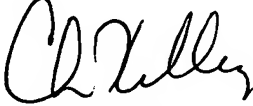
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew Haney whose telephone number is 703-305-4915. The examiner can normally be reached on M-Th (5:30-3:00), Every Other Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 703-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Matthew Haney
Examiner
Art Unit 2613

mjh


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
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